



NEIFELD DOCKET NO. 09-15-GRANUSCP

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: Daniel D. Granger et al.

CONFIRMATION NO. 2781

US APPLICATION NO: 09/373,625

FILING DATE: August 13, 1999

GROUP ART UNIT: 3628

EXAMINER: NGUYEN, NGA B

TITLE: In-Vehicle Promotions System

COMMISSIONER FOR PATENTS

P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

37 CFR 41.37 REPLY BRIEF

Sir:

In response to the answer, styled as a non-final office action, mailed November 29, 2005, in response to appellant's prior brief, which was in response to the final office action mailed December 9, 2004, the applicant files this reply brief.



TABLE OF CONTENTS

I.	37 CFR 41.37 (a)	1
II.	37 CFR 41.37 (b)	1
III.	37 CFR 41.37(c)	1
A.	37 CFR 41.37(c)(1)(i) Real Party in Interest	1
B.	37 CFR 41.37(c)(1)(ii) Related Appeals and Interferences	1
C.	37 CFR 41.37(c)(1) (iii) Status of Claims	1
D.	37 CFR 41.37(c)(1) (iv) Status of Amendments	1
E.	37 CFR 41.37(c)(1)(v) Summary of Claimed Subject Matter	2
1.	Independent Claims	2
2.	Structures, Materials, and Acts Supporting “Means For” Recitations . . .	4
F.	37 CFR 41.37(c)(1)(vi) Grounds for Rejection to be Reviewed on Appeal	5
G.	37 CFR 41.37(c)(1)(vii) Argument	6
1.	The Rejections of Claims 1, 3-7, 10-14, 17, 18, 20-24, 26-29, 34-40, 42-45, 49-57, 60, and 61 Under 35 USC 103(a) as Being Unpatentable Over Park in View of Tracy	6
a.	Independent Claim 1	6
i.	The Examiner's Assertions	6
ii.	The Passages from Park and Tracy Relied Upon by the Examiner	8
iii.	Applicants’ Reply - Claim 1 Recites “...a wireless communications device connected to said controller and configured to transmit identity information identifying a person associated with said vehicle...”	11
iv.	Support in Applicants’ Specification for the Recitation “...identity information identifying a person associated with said vehicle...”	12
v.	The Disclosure in Tracy does not Overcome the Examiner’s	

	Admission that “Park does not disclose a wireless communications device configured to transmit identity information identifying a person associated with the vehicle and to receive promotional information targeted for the person based on a purchase history of the person”	12
vi.	The Disclosure in Tracy does not Overcome the Examiner’s Admission that “Park does not disclose automatically outputting said promotional information to said interior display”	13
vii.	The Examiner Provides no Proper Motivation or Suggestion to Combine Park and Tracy	14
2.	Dependent Claims 3-7, 10-14, 17, 18, 20, 22-24, and 26-28	15
a.	Claims 3-7, 10-14, 17, 18, 20, 22-24, and 26-28 Depend From Independent Claim 1	15
b.	Dependent Claim 17	16
i.	The Examiner's Assertions	16
ii.	The Passages from Park Relied Upon by the Examiner .	16
iii.	Applicants’ Reply	16
c.	Dependent Claim 18	17
i.	The Examiner's Assertions	17
ii.	The Passage from Tracy Relied Upon by the Examiner .	18
iii.	Applicants’ Reply	19
d.	Dependent Claim 24	20
i.	The Examiner's Assertions	20
ii.	The Passage from Tracy Relied Upon by the Examiner .	20
iii.	Applicants’ Reply	21
3.	Independent Claim 29	21
a.	The Examiner's Assertions	21
b.	The Passages from Park and Tracy Relied Upon by the Examiner	23

c.	Applicants' Reply	23
d.	The Disclosure in Tracy does not Overcome the Examiner's Admission that "Park does not disclose an RF transmitter configured to transmit identity information identifying a person associated with the vehicle and the RF receiver configured to receive promotional information targeted for the person based on a purchase history of the person"	24
e.	The Disclosure in Tracy does not Overcome the Examiner's Admission that "Park does not disclose automatically outputting said promotional information to said interior display"	25
f.	The Examiner Provides no Proper Motivation or Suggestion to Combine Park and Tracy	25
4.	Claims 34-40 and 42 Depend From Independent Claim 29	27
a.	Dependent Claim 39	27
i.	The Examiner's Assertions	27
ii.	The Passage from Tracy Relied Upon by the Examiner ..	27
iii.	Applicants' Reply	28
b.	Dependent Claim 40	28
i.	The Examiner's Assertions	28
ii.	The Passage from Tracy Relied Upon by the Examiner ..	29
iii.	Applicants' Reply	29
5.	Independent Claim 43	30
a.	The Examiner's Assertions	30
b.	The Passages from Park and Tracy Relied Upon by the Examiner	31
c.	Applicants' Reply	33
d.	The Disclosure in Tracy does not Overcome the Examiner's Admission that "Park does not disclose transmitting identifying information identifying a person associated with said vehicle and promotions information targeted for said person based on a	

	purchase history of said person”	33
e.	The Disclosure in Tracy does not Overcome the Examiner’s Admission that “Park does not disclose automatically outputting said promotional information to said interior display”	34
f.	The Examiner Provides no Proper Motivation or Suggestion to Combine Park and Tracy	35
6.	Claims 44, 45, and 49-57 Depend From Independent Claim 43	36
a.	Dependent Claim 53	36
i.	The Examiner’s Assertions	36
ii.	The Passage from Tracy Relied Upon by the Examiner	37
iii.	Applicants’ Reply	37
7.	Independent Claim 59	37
8.	Independent Claim 60	38
a.	The Examiner’s Assertions	38
b.	The Passages from Park and Tracy Relied Upon by the Examiner	39
c.	Applicants’ Reply	40
d.	The Disclosure in Tracy does not Overcome the Examiner’s Admission that “Park does not disclose communicating to said store identifying information identifying a person associated with said vehicles and promotional information targeted for the person based on a purchase history of the person”	40
e.	The Disclosure in Tracy does not Overcome the Examiner’s Admission that “Park does not disclose automatically outputting said promotional information to said interior display”	41
f.	The Examiner Provides no Proper Motivation or Suggestion to Combine Park and Tracy	42
9.	Claim 61 Depends From Independent Claim 60	43
10.	Claims 2, 8, 15, 16, 30-33, 46-48, 62, and 63 Depend From Independent Claims	44

H.	37 CFR 41.37 (c)(1)(viii) Claims Appendix	44
I.	37 CFR 41.37 (c)(1)(ix) Evidence Appendix	44
J.	37 CFR 41.37 (c)(1)(x) Related Proceedings Appendix	44
IV.	37 CFR 47.37 (c)(2)	44
V.	37 CFR 41.37 (d)	44
VI.	37 CFR 41.37 (e)	45
	APPENDIX 1	46
	APPENDIX 2	58
	APPENDIX 3	59



I. **37 CFR 41.37 (a)**

This reply brief is filed with the notice of appeal under 41.31. The appeal fee set forth in 37 CFR 41.20(b)(2) was submitted on July 1, 2005. This reply brief sets forth the authorities and arguments on which the appellant will rely to maintain the appeal.

The office communication mailed November 29, 2005 set a three-month extendable period. Therefore, this response is timely.

II. **37 CFR 41.37 (b)**

The applicant submits herewith a petition and fee for a one-month extension of time.

III. **37 CFR 41.37(c)**

A. **37 CFR 41.37(c)(1)(i) Real Party in Interest**

The real party in interest is Catalina Marketing International, Inc., a Delaware corporation, which is wholly owned by Catalina Marketing Corporation, a Florida corporation.

B. **37 CFR 41.37(c)(1)(ii) Related Appeals and Interferences**

There are no related appeals or interferences.

C. **37 CFR 41.37(c)(1) (iii) Status of Claims**

Claims 1-8, 10-18, 20-24, 26-40, 42-57, and 60-63 are pending, rejected, and under appeal.

Claims 65-73 are rejected.

The examiner has not listed the disposition of claim 59 in the office action summary.

D. **37 CFR 41.37(c)(1) (iv) Status of Amendments**

All amendments have been entered.

E. 37 CFR 41.37(c)(1)(v) Summary of Claimed Subject Matter

1. Independent Claims

1. An in-vehicle promotions system installed in a vehicle, comprising:
a position receiver configured to provide automatically detected position data for said vehicle thereby monitoring a position of said vehicle in relation to a commercial entity; [Fig. 5A item 50; page 10 lines 4-12.]

a controller connected to said receiver; [Fig. 3 item 11; page 8 lines 2-4.]

a wireless communications device connected to said controller and configured to transmit identity information identifying a person associated with said vehicle and to receive promotional information targeted for said person based on a purchase history of said person; [Fig. 3 item 12; page 8 lines 7-13; page 12 lines 2-12; Fig. 4 item 20.]

and

an interior display configured to be installed in an interior of said vehicle and connected to said controller, [Fig. 3 item 13; page 8 lines 14-20.]

wherein said controller automatically outputs said promotional information to said interior display based on said position data indicating that said vehicle is in a predetermined position in relation to said commercial entity. [page 7 lines 4-18.]

29. An in-vehicle promotions system installed in a vehicle, comprising:

an RF transmitter configured to transmit identity information identifying a person associated with said vehicle; [Fig. 3 item 12.]

an RF receiver configured to receive transmitted promotions information targeted for said person based on a purchase history of said person; [Fig. 3 item 16.]

a controller connected to said receiver; [Fig. 3 item 11.]

a device configured to monitor a position of said vehicle in relation to a commercial entity; and [Fig. 3 item 16; page 9 lines 14-17.]

an interior display configured to be installed in an interior of said vehicle and connected to said controller wherein said controller causes said promotions information to be automatically displayed on said interior display based on an automatically detected position of said vehicle which indicates that the vehicle is in a predetermined position with respect to the commercial

entity. [Fig. 3 items 3 and 4; page 10 line 13 to page 11 line 9.]

43. A method of displaying promotions information to a vehicle occupant, comprising:

transmitting identifying information identifying a person associated with said vehicle;
[Page 12 lines 2-9.]

storing data corresponding to promotions information targeted for said person based on a purchase history of said person in said vehicle; [Page 12 lines 13-18.]

monitoring a position of said vehicle in relation to a store with which the promotions information is associated; and [Page 10 lines 13-21.]

automatically displaying said data on an interior display after it is automatically detected by said monitoring step that said vehicle comes within a defined proximity to the store with which said promotions information is associated. [Page 10 line 25 to page 11 line 4.]

59. A method of displaying promotions information in a vehicle, comprising:

storing data corresponding to said promotions information in said vehicle; [Page 13 lines 13-15; page 17 lines 3-5.]

associating said promotions information with a store; and [Page 13 lines 15-16; page 17 lines 6-7.]

displaying said data based upon user request for information concerning said store. [Page 13 lines 16-17; page 8 line 25 to page 9 line 10; page 17 lines 8-9.]

60. A method of distributing promotions information, comprising:

forming a database of promotions information of at least one store; [Fig. 1 item 7; page 15 line 13; fig. 4 item 25; page 7 lines 23-25.]

communicating to said store identifying information identifying a person associated with said vehicles; [Page 11 line 26 to page 12 line 12.]

wirelessly distributing data corresponding to promotions information, targeted for said person based on a purchase history of said person, to a vehicle; [Page 12 lines 10-12.]

monitoring a position of said vehicle in relation to a store; and [Page 10 lines 4-21.]

automatically displaying on an interior display said data to occupants of said vehicle after it is automatically detected by said monitoring step that said vehicle comes within a defined range of said store. [Page 15 lines 21-26.]

2. Structures, Materials, and Acts Supporting “Means For” Recitations

6. A system as recited in claim 5, comprising:

means for updating said memory. [Fig. 3 item 16; fig. 10 item 92; page 10 lines 13-21.]

10. A system as recited in claim 1, comprising:

means for storing information linking a zone with promotions information; and
said controller retrieving said promotions information associated with said zone based upon said vehicle entering said zone. [Page 10 lines 13-21.]

11. A system as recited in claim 10, comprising:

means for storing information linking a zone proximate to a store with promotions information associated with said store. [Page 10 lines 13-21.]

13. A system as recited in claim 1, comprising:

means for storing information linking promotions information with a business entity;
and said controller retrieving said promotions information associated with said business entity based upon a user request for information related to said business entity. [Page 10 lines 13-21.]

14. A system as recited in claim 1, comprising:

means for storing information linking a zone with promotions information; and
said controller retrieving said promotions information associated with said zone based upon a user request for information related to said business entity. [Page 10 lines 13-21.]

16. A system as recited in claim 15, wherein said display includes means for activating printing of a coupon information using said printer. [Page 11 lines 7-9.]

17. A system as recited in claim 1, wherein said controller comprises means for logging activity related to display of said promotions information. [Page 12 lines 21-28.]

22. A system as recited in claim 21, wherein:

said receiver is adapted to output a position of said vehicle to said controller;
said controller comprises means for retrieving promotions information from said host

system based upon said position. [Fig. 3 items 11, 12 and 15; page 13 lines 21-27; page 12 lines 13-17; page 13 lines 8-10.]

23. A system as recited in claim 21, comprising:

a memory connected to said controller storing information linking position and a storage location of corresponding promotions information;

said controller comprises means for automatically retrieving from said host system updated information linking said position and said location of corresponding promotions information. [Fig. 3 item 12; page 13 lines 21-27.]

27. A system as recited in claim 1, comprising:

means for storing at least one of position data corresponding to a position of a store with which promotions data is associated and identification data identifying said store; [Fig. 2B item 30; page 13 lines 13-15.]

said display including means for displaying said data based upon at least one said position data and said identification data.

28. A system as recited in claim 27, comprising:

means for retrieving said promotions data based upon at least one of said position data and said identification data. [Fig. 3 item 11; page 13 lines 15-17.]

33. A system as recited in claim 32, wherein said display includes means for activating printing of said coupon information using said printer. [Fig. 3 item 14; fig. 7 item 74; page 8 lines 17-19.]

35. A system as recited in claim 34, comprising:

means for updating said storage device. [Fig. 3 item 14; fig. 10 item 92; page 10 lines 13-21.]

F. 37 CFR 41.37(c)(1)(vi) Grounds for Rejection to be Reviewed on Appeal

The rejections of claims 1, 3-7, 10-14, 17, 18, 20-24, 26-29, 34-40, 42-45, 49-57, 60, and 61 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,627,549 to Park, in view of U.S. Patent No. 5,979,757 to Tracy et al. (hereinafter Tracy).

The rejections of claims 2, 8, 15, 16, 30-33, 46-48, 62, and 63 are rejected under 35

U.S.C. 103(a) as being unpatentable over Park in view of U.S. Patent No. 5,867,780 to Malackowski et al (hereinafter Malackowski).

In the appeal filed by the applicant July 1, 2005 on page 47 lines 9-10, the applicant pointed out that the examiner did not specify a reason for rejecting claim 59. The applicant requests that the examiner provide a disposition of claim 59.

G. 37 CFR 41.37(c)(1)(vii) Argument

1. The Rejections of Claims 1, 3-7, 10-14, 17, 18, 20-24, 26-29, 34-40, 42-45, 49-57, 60, and 61 Under 35 USC 103(a) as Being Unpatentable Over Park in View of Tracy

a. Independent Claim 1

i. The Examiner's Assertions

The examiner rejects claims 1, 3-7, 10-14, 17, 18, 20-24, 26-29, 34-40, 42-45, 49-57, 60, and 61 under 35 USC 103(a) as being unpatentable over Park in view of Tracy et al (hereinafter Tracy), U.S. Patent No. 5,979,757, asserting in the office action mailed November 29, 2005 page 2 line 22 through page 4 line 18 that:

Claims 1, 3-7, 10-14, 17, 18, 20-24, 26-29, 34-40, 42-45, 49-57, 60, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park, U.S. Patent No. 5,627,549 in view of Tracy et al (hereinafter Tracy), U.S. Patent No. 5,979,757.

Regarding to claim 1, Park discloses an in-vehicle promotions system installed in a vehicle, comprising:

a position receiver configured to provide automatically detected position data for said vehicle thereby monitoring a position of said vehicle in relation to a commercial entity (figure 2, item 80 and column 5, lines 10-17; the GPS receiver 80);

a controller connected to said receiver (figure 2, item 60 and column 5, lines 17-20; microprocessor 60);

a wireless communications connected to said controller device and configured to receive promotional information and (column 3, lines 35-48; the Gaskill paging system uses FM radio signal); and

an interior display configured to be installed in an interior of said vehicle and connected to controller (figure 2, item 100 and column 5, lines 20-32; the display 100).

wherein controller outputs said promotional information to said interior display based on said position data indicating that said vehicle is in a predetermined position in relation to said commercial entity (column 5, lines 20-32; column 6, lines 3-15 and figure 3).

Park does not disclose a wireless communications device configured to transmit identity information identifying a person associated with the vehicle and to receive promotional information targeted for the person based on a purchase history of the person. However, Tracy discloses a wireless communications device configured to transmit identity information identifying a person associated with the wireless communications device (column 7, lines 18-30, the bar code reader further provided a visual display for displaying either customer's name or some other form of customer identifiable code; figure 7A, the display displaying consumer's name) and to receive promotional information targeted for the person based on a purchase history of the person (column 14, lines 3-28). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy above for the purpose of accurately targeting selected customers for improved strategic product promotional plans.

Moreover, Park does not disclose automatically outputting said promotional information to said interior display. However, Tracy discloses automatically outputting said promotional information to said interior display (figure 7A, column 10, lines 44-50; column 14, lines 30-35; automatically outputting the promotional information to the display of the portable terminal 70).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy for the purpose of more convenient for the user to receive promotional information because the promotional information is automatically display, thus the user does not need to select any button for display promotional information.

ii. **The Passages from Park and Tracy Relied Upon by the Examiner**

In rejecting claim 1, the examiner relies upon the following passages from Park:

The Gaskill paging system and associated receiving devices provide an inexpensive, highly battery-efficient and highly miniaturized paging device which, under the illustrated embodiment of the present invention, constitutes a data radio signal receiver 62 (FIG. 2) as a conduit for data broadcast 26 delivery to device 40.

Generally the Gaskill paging system uses FM radio signal transmission facilities to broadcast within a side-band frequency paging signal data packets according to a time-division multiplexed protocol. Thus, voice broadcast 22 comprises the normal FM radio signal broadcast and data broadcast 26 represents the side-band paging system broadcast. [Park at column 3 lines 34-48.]

* * *

A global position system receiver 80 receives the transmission 52 from global position system satellite 50 and delivers to microprocessor 60 a current vehicle location 82. In this manner, microprocessor 60 requests from global position system radio receiver 80 a current vehicle location and receives in return the current vehicle location 82.

Microprocessor 60 receives other vehicle information. For example, a fuel gauge sensor 90 provides a fuel remaining input 92 to microprocessor 60.

Microprocessor 60 drives a display 100. Display 100 presents, for

example, tuning and station selection information relative to the voice radio receiver 60 to provide an FM radio capability wherein the operator of vehicle 10 manipulates input controls 102, i.e., volume, station select, and other controls described more fully hereafter, to listen to a selected voice broadcast 22. Display 100 further presents, as described more fully hereafter, data relevant to stored geographic points of interest 14 and also graphic indication, i.e., a vector indicating distance and direction, of a selected geographic point of interest 14 relative to the current vehicle location. [Park at column 5 lines 10-32.]

* * *

As illustrated in FIG. 3, display 100 presents a text message display portion 100a showing information such as vendor name, address, and current marketing information, for example, a sale or promotional activity including a date of availability for the promotional activity. Display portion 100a further presents a category of vendor, e.g., sporting goods. As may be appreciated, the data records obtained from data broadcast 26 and stored in device 40 include a variety of fields as indicated generally by the display portion 100a in FIG. 3. In such form, information maintained in device 40 may be manipulated in the manner of a database, e.g., searching, sorting, and other such database record management functions. [Park at column 6 lines 4-16.]

In rejecting claim 1, the examiner relies upon the following passages from Tracy:

The bar code reader 240 is provided with a flashing light 242 to assist the customer in retrieving it after it has been assigned to the customer. The flashing light 242 is activated by the central processor (shown in FIG. 2) after it has been assigned to the customer and the assignment is recorded in the customer's data file. In an alternative embodiment, the bar code reader is further provided with an audible signal generator to assist the user in finding it in the terminal dispenser and a visual display for displaying either the customer's name or some other form

of customer identifiable code. Although not illustrated, the dispenser system for the portable terminals could also take the form of a vending machine type dispenser or rotatable dispenser racks which rotate to provide a customer access to a selected terminal. [Tracy at column 7 lines 18-30.]

* * *

In another embodiment of the present invention, the portable terminal is used to present advertising messages to the consumer. The central host will detect items scanned by the portable terminal having an associated advertising message or video display. Thus, when a consumer scans a "Coke" can, he may receive the voice message "COKE IS IT." Alternatively, the central host may also maintain a file of the customer's prior purchase records, and detect correlation of purchased items. If such a correlation to a scanned item is identified, the portable terminal may be prompted to display a message reminding the consumer to purchase other associated products or products usually purchased by the consumer but not currently selected. For example, if a consumer purchases hot dogs, the central host may send a message to the portable terminal, "Do you need hot dog buns and mustard" The message would be dependent on the customer's transaction list and prior purchasing history, a positive, response selected, and if the display would show a new page providing cost and location data. In addition, if the customer's prior purchase record indicates that the customer usually buys charcoal with hot dogs or hamburgers, the terminal may also ask the customer if he needs "Charcoal." Again, the prompted items would be provided with a link to an informational page to provide cost and location. The item prompts would also be turned off in the event the central host determines that the product is out of stock. [Tracy at column 14 lines 3-28.]

* * *

FIG. 7A illustrates the initial screen of a portable terminal upon retrieval of the unit. As illustrated in FIG. 7A, a generic message is displayed to each user which includes a message regarding a Holiday Special: Pumpkin Pies. The item is

underlined indicating that the selection may be activated to retrieve additional information. In this case, although not shown, the information retrieved would indicate the price [Tracy at column 10 lines 44-50.]

* * *

In an alternative embodiment, the central host prompts the portable terminal to display customer specific data and external advertising messages. For instance, if a customer comes in on their birthday the store could offer the customer a free coffee and chocolate cupcake. Alternatively, a local hair salon could send a message to all consumers who scan a particular high-end beauty product. [Tracy at column 14 lines 29-35.]

iii. **Applicants' Reply - Claim 1 Recites "...a wireless communications device connected to said controller and configured to transmit identity information identifying a person associated with said vehicle..."**

Claim 1 recites:

1. An in-vehicle promotions system installed in a vehicle, comprising:
 - a position receiver configured to provide automatically detected position data for said vehicle thereby monitoring a position of said vehicle in relation to a commercial entity;
 - a controller connected to said receiver;
 - a wireless communications device connected to said controller and configured to *transmit identity information identifying a person associated with said vehicle* and to receive *promotional information targeted for said person* based on a purchase history of said person;
 - and
 - an interior display configured to be installed in an interior of said vehicle and connected to said controller,
 - wherein said controller automatically outputs said promotional information to said interior display based on said position data indicating that said vehicle is in a predetermined position in relation to said commercial entity. [Emphasis added.]

iv. **Support in Applicants' Specification for the Recitation
“...identity information identifying a person associated
with said vehicle...”**

The plain words of claim 1 define (1) "identity information identifying a person associated with said vehicle" and (2) "promotional information targeted for said person."

The use of the word "person" indicates that what the "identity information" does not identify the vehicle or the communication device used to transmit the "identity information." This conclusion is confirmed by consistency with the written specification's description of "identity information" at page 11 line 26 to page 12 line 1:

The preferred embodiment of the invention allows the *person* in vehicle 1 to enter their *personal identification information* through a touch screen display 14. Alternative embodiments could preprogram controller 11 with identification information or allow programming through port 17. [Specification at page 11 line 26 to page 12 line 1; emphasis added.]

v. **The Disclosure in Tracy does not Overcome the
Examiner's Admission that “Park does not disclose a
wireless communications device configured to transmit
identity information identifying a person associated
with the vehicle and to receive promotional information
targeted for the person based on a purchase history of
the person”**

In rejecting claim 1, the examiner admits that Park does not teach or suggest all the limitations of claim 1. Specifically, the examiner admits that “Park does not disclose a wireless communications device configured to transmit identity information identifying a person associated with the vehicle and to receive promotional information targeted for the person based on a purchase history of the person.” In an attempt to overcome the deficiencies of Park, the examiner relied upon Tracy, asserting in the office action mailed November 29, 2005 at page 3

lines 22-24 that:

Tracy discloses a wireless communications device configured to transmit identity information identifying a person associated with the wireless communications device.

However, Tracy does not disclose identifying a consumer's association with a vehicle, as defined in claim 1. Tracy discloses a method and system for presenting item information using a portable data terminal, but Tracy does not disclose an in-vehicle system. Therefore, Park in view of Tracy does not make obvious "a wireless communications device connected to said controller and configured to transmit identity information identifying a **person associated with said vehicle** and to receive promotional information targeted for said person based on a purchase history of said person," as recited in claim 1 with emphasis supplied. The applicant respectfully submits that the rejection of claim 1 under 35 USC 103(a) is improper and should be reversed.

vi. **The Disclosure in Tracy does not Overcome the Examiner's Admission that "Park does not disclose automatically outputting said promotional information to said interior display"**

In rejecting claim 1, the examiner admits that Park does not teach or suggest all the limitations of claim 1. Specifically, the examiner admits that "Park does not disclose automatically outputting said promotional information to said interior display." In an attempt to overcome the deficiencies of Park, the examiner relied upon Tracy, asserting in the office action mailed November 29, 2005 at page 4 lines 11-14 that:

Tracy discloses automatically outputting said promotional information to said interior display (figure 7A, column 10, lines 44-50; column 14, lines 30-35; automatically outputting the promotional information to the display of the portable terminal 70).

However, Tracy does not disclose basing promotional information on the position data of a vehicle, as defined in claim 1. Tracy discloses a method and system for presenting item information using a portable data terminal, but Tracy does not disclose using position data of a vehicle. Therefore, Park in view of Tracy does not make obvious “said controller automatically outputs said promotional information to said interior display **based on said position data indicating that said vehicle is in a predetermined position in relation to said commercial entity,**” as recited in claim 1 with emphasis supplied. The applicant respectfully submits that the rejection of claim 1 under 35 USC 103(a) is improper and should be reversed.

vii. **The Examiner Provides no Proper Motivation or Suggestion to Combine Park and Tracy**

Applicants respectfully submit that the examiner does not provided a proper motivation or suggestion for one of ordinary skill in the art to have combined Park and Tracy absent impermissible hindsight.

Park is directed to a method limited to “vehicle information systems providing information relevant to current vehicle location.” Park at column 5 lines 9-16. Park teaches that GPS is used to locate current vehicle position. Park at column 4 lines 11-19. One of ordinary skill in the art would have recognized that GPS and similar systems, although useful for tracking geographic position, are completely unsuitable for determining the identity of a particular person using the GPS system. Nothing in a GPS system requires or even remotely suggests transmitting identity information. One of ordinary skill in the art would have recognized that a GPS receiver cannot transmit any information, and in particular not identity information.

Tracy is directed to a “portable data terminal,” but does not disclose anything relating to a vehicle.

The examiner has presented the following motivations for modifying Park in view of Tracy:

Therefore, it would have been obvious to one with ordinary skill in the art

at the time the invention was made to modify Park's to adopt the teaching of Tracy above for the purpose of accurately targeting selected customers for improved strategic product promotional plans. [Office action mailed November 29, 2005 page 4 lines 6-9.]

* * *

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy for the purpose of more convenient for the user to receive promotional information because the promotional information is automatically display, thus the user does not need to select any button for display promotional information. [Sic; Office action mailed November 29, 2005 page 4 lines 14-18.]

Tracy discloses nothing concerning either “identifying a consumer’s association with a vehicle” or basing promotional information on the position data of a vehicle. In fact, Tracy does not disclose anything relating to a vehicle. Therefore, there is no motivation to combine Park and Tracy.

Because the examiner has not provided a proper motivation or suggestion for one of ordinary skill in the art to have combined Park and Tracy to obtain the subject matter of claim 1, absent impermissible hindsight, applicants respectfully submit that the rejection of claim 1 under 35 USC 103(a) is improper and should be reversed.

2. Dependent Claims 3-7, 10-14, 17, 18, 20, 22-24, and 26-28

a. Claims 3-7, 10-14, 17, 18, 20, 22-24, and 26-28 Depend From Independent Claim 1

Claims 3-7, 10-14, 17, 18, 20, 22-24, and 26-28 depend directly or indirectly from independent claim 1. Therefore, applicants respectfully submit that for the reasons presented above regarding claim 1, the rejections of claims 3-7, 10-14, 17, 18, 20, 22-24, and 26-28 are improper and should be reversed.

b. Dependent Claim 17

i. The Examiner's Assertions

The examiner rejects claim 17 under 35 USC 103(a), asserting in the office action mailed November 29, 2005 at page 6 lines 5-6 that:

Regarding to claim 17, Park further discloses controller comprises means for logging activity related to display of promotions information (column 4, lines 47-53).

ii. The Passages from Park Relied Upon by the Examiner

In rejecting claim 17, the examiner relies upon the following passages from Park:

Device 40 maintains current information relative to a given geographic region and specific to selected geographic points of interest 14. Under one aspect of the present invention, such geographic points of interest 14 correspond generally to locations of advertisers providing, by way of radio broadcast system 20, both voice information in broadcast 22 and detailed message or text data in broadcast 26. This allows listeners to later reference such data and locate the corresponding geographic point of interest 14 relative to a then current vehicle position. [Park at column 4 lines 47-53.]

iii. Applicants' Reply

Applicants respectfully submit that the rejection of claim 17 under 35 USC 103(a) is improper and should be reversed. The examiner has not made proper *prima facie* rejection of claim 17 because (a) the cited references do not teach all the limitations of claim 17, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

Claim 17 recites "said controller comprises means for logging activity related to display

of said promotions information.” [Emphasis added.] Support for the recitation of claim 17 can be found, for example, at page 12 of the specification of this application, which states that:

Controller 11 may also create a log field to keep track of how often promotions information for a particular location is accessed, if the corresponding promotions information is displayed and for what store, if the corresponding promotions information is printed, etc. [Specification at page 12 lines 21-23.]

Therefore, one of ordinary skill in the art would recognize that claim 17's “logging activity related to display of said promotions information” includes keeping how often promotions information for a particular location is accessed, if the corresponding promotions information is displayed and for what store, if the corresponding promotions information is printed, etc.

In contrast, nothing in the passages from Park cited by the examiner teaches or suggests that Park's system logs or stores any information at all related to the display of promotions or anything else. Park merely teaches that his system “ maintains current information relative to a given geographic region and specific to selected geographic points of interest 14.” Applicants respectfully submit that one of ordinary skill in the art would not equate Park's “current information relative to a given geographic region” with the recited “means for logging activity related to display of said promotions information.” Therefore, applicants respectfully submit that the rejection of claim 17 is improper at least because the examiner has not properly addressed the limitation relating to the “ means for logging activity related to display of said promotions information” defined by claim 17. Thus, the examiner has not established a prima facie case of obviousness. Therefore, the rejection dependent claim 17 under 35 USC 103(a) is improper and should be reversed.

c. Dependent Claim 18

i. The Examiner's Assertions

The examiner rejects claim 18 under 35 USC 103(a), asserting in the office action mailed November 29, 2005 at page 6 lines 7-14 that:

Regarding to claims 18, 21, Tracy discloses a store and a host system wirelessly linked with wireless communications device, store system comprising: a second wireless communications device; a store controller connected to second wireless communications device; store controller providing automatic promotional benefits to identified persons (column 5, line 47 -column 6, line 25, the central host). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's adopt the teaching of Tracy above for the purpose of providing promotional benefits to the user.

ii. **The Passage from Tracy Relied Upon by the Examiner**

In rejecting claim 18, the examiner relies upon the following passage from Tracy:

B. THE CENTRAL HOST

In the preferred embodiment illustrated in FIG. 1, portable terminals 12A, 12B, 12C, 12D and 12E in location 10 communicate to a central host 14 through multi-access points 13A and 13B. As described above, the terminals communicate in the local area network 10 with a SPECTRUM24.TM. network. The network provides a transparent wireless connection to an Ethernet LAN 16 through multiple access points 13A and 13B. Preferably, each of the access points is compatible with the Simple Network Management Protocol (SNMP).

SPECTRUM24.TM. employs a frequency hopping modulation technique that offers a high-capacity network by using multiple access points which may be connected to an existing wired LAN backbone. The system employs more than 70 non-overlapping frequencies which minimize the probability that one cell will operate on the same frequency at the same time as another cell. The system is designed to work in the 2 to 2.5 Ghz frequency band.

Data collected by the central host 14 through the Ethernet LAN backbone 16 (FIG. 1) is processed locally. To the extent the received data requires a response, the central host retrieves data, processes information and retransmits

data to the portable terminals. In the event the terminal's request should require the retrieval of data not stored on the central host 14, the central host 14 may retrieve data from external sources such as IP addressable servers 40 and 50 through a wide area communication network 30.

Host 14 may also use the wide area communication network 30 to communicate data to another host 24 at a related site 20. The two sites could also be linked to provide pass through communication between a terminal 12A located in site 10 and a terminal 22A located at site 20.

In a preferred embodiment of the present invention host 14 and host 24 communicate data over the wide area network 30 with open standard protocols and data types such as that used by an Internet server. Such a system would permit host 14 to retrieve and utilize data from servers without complex data conversion and translation routines. In a preferred embodiment, the open architecture standard is also designed into the portable terminals so that data files can be transparently retrieved by the portable terminals 12A-12E through to the host 14. With respect to sensitive and confidential data, it is preferred that the systems employ encryption technology or use a secure closed communication link. [Tracy column 5 line 47 through column 6 line 25.]

iii. Applicants' Reply

Applicants respectfully submit that the rejection of claim 18 under 35 USC 103(a) is improper and should be reversed because the cited passage in Tracy discloses features pertaining to an in-store portable terminal, but does not disclose features pertaining to a vehicle, specifically: "said store controller providing automatic promotional benefits to said vehicle," as recited in claim 18. Therefore, the rejection of claim 18 under 35 USC 103(a) is improper and should be reversed.

The examiner has presented the following motivation for modifying Park in view of Tracy:

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's adopt the teaching of Tracy above for the purpose of providing promotional benefits to the user. [Sic; Office action mailed November 29, 2005 page 6 lines 12-14.]

Tracy discloses nothing concerning "providing automatic promotional benefits to said vehicle." In fact, Tracy does not disclose anything relating to a vehicle. Therefore, there is no motivation to combine Park and Tracy.

Because the examiner has not provided a proper motivation or suggestion for one of ordinary skill in the art to have combined Park and Tracy to obtain the subject matter of claim 18, absent impermissible hindsight, the applicants respectfully submit that the rejection of claim 18 under 35 USC 103(a) is improper and should be reversed.

d. Dependent Claim 24

i. The Examiner's Assertions

The examiner rejects claim 24 under 35 USC 103(a), asserting in the office action mailed November 29, 2005 at page 7 lines 5-10 that:

Regarding to claim 24, Tracy further discloses a store controller in communication with second controller, store controller provides automatic promotional benefit to identified persons (column 5, line 47 -column 6, line 25, the central host). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made modify Park's to adopt the teaching of Tracy above for the purpose of providing promotional benefit to the user.

ii. The Passage from Tracy Relied Upon by the Examiner

In rejecting claim 24, the examiner relies upon Tracy column 5 line 47 through column 6 line 25 (copied above).

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 24 under 35 USC 103(a) is improper and should be reversed because the cited passage in Tracy discloses features pertaining to an in-store portable terminal, but does not disclose features pertaining to a vehicle, specifically: "a store controller in communication with said second controller and wherein said store controller provides automatic promotional benefits to said vehicle," as recited in claim 24. Therefore, the rejection of claim 24 under 35 USC 103(a) is improper and should be reversed.

The examiner has presented the following motivation for modifying Park in view of Tracy:

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy above for the purpose of providing promotional benefits to the user. [Office action mailed November 29, 2005 page 7 lines 8-10.]

Tracy discloses nothing concerning providing "automatic promotional benefits to said vehicle." In fact, Tracy does not disclose anything relating to a vehicle. Therefore, there is no motivation to combine Park and Tracy.

Because the examiner has not provided a proper motivation or suggestion for one of ordinary skill in the art to have combined Park and Tracy to obtain the subject matter of claim 24, absent impermissible hindsight, applicants respectfully submit that the rejection of claim 24 under 35 USC 103(a) is improper and should be reversed.

3. **Independent Claim 29**

a. **The Examiner's Assertions**

The examiner rejects claim 29 under 35 USC 103(a), asserting in the office action mailed November 29, 2005 at page 7 line 19 through page 9 line 11 that:

Regarding to claim 29, Park discloses an in-vehicle promotions system

installed in a vehicle, comprising:

- an RF transmitter and an RF receiver configured to receive transmitted promotions information (column 3, lines 35-67; the Gaskill paging system);

- a controller connected to receiver (figure 2, item 60 and column 5, lines 17-20; microprocessor 60);

- a device configured to monitor a position of said vehicle in relation to a commercial entity (figure 2, item 80 and column 5, lines 10-17; the GPS receiver 80); and

- an interior display configured to be installed in an interior of vehicle and connected to controller where controller caused promotions information to be displayed on interior display based on an automatically detected position of said vehicle which indicates that the vehicle is in a predetermined position with respect to the commercial entity (figure 2, item 100; column 5, lines 20-32; column 6, lines 3-15 and figure 3).

Park does not disclose an RF transmitter configured to transmit identity information identifying a person associated with the vehicle and the RF receiver configured to receive promotional information targeted for the person based on a purchase history of the person. However, Tracy discloses a wireless communications device (column 7, lines 18-30, the bar code reader further provided a visual display for displaying either customer's name or some other form of customer identifiable code; figure 7A, the display displaying consumer's name) and to receive promotional information targeted for the person based on a purchase history of the person (column 14, lines 3-28). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Stewart for the purpose of accurately targeting selected customers for improved strategic product promotional plans.

Moreover, Park does not disclose automatically outputting said promotional information to said interior display. However, Tracy discloses

automatically outputting said promotional information to said interior display (figure 7A, column 10, lines 44-50; column 14, lines 30-35; automatically outputting the promotional information to the display of the portable terminal 70). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy for the purpose of more convenient for the user to receive promotional information because the promotional information is automatically display, thus the user does not need to select any button for display promotional information.

b. The Passages from Park and Tracy Relied Upon by the Examiner

In rejecting claim 29 the examiner relies upon the same passages from Park and Tracy as copied above for claim 1.

c. Applicants' Reply

Claim 29 recites "...an RF transmitter configured to transmit *identity information identifying a person associated with said vehicle....*" Emphasis added. For the reasons given above for independent claim 1, applicants respectfully submit that the passages from Park and Tracy cited by the examiner, alone or in combination, do not teach or suggest "identity information identifying a person associated with said vehicle," as recited in claim 29. Therefore, the passages from Park and Tracy cited by the examiner do not teach or suggest all the limitations of claim 29. Therefore, applicants respectfully submit that the examiner has not made out a proper *prima facie* rejection of independent claim 29. Therefore, applicants respectfully submit that the rejections under 35 USC 103(a) of claim 29 are improper and should be reversed.

- d. **The Disclosure in Tracy does not Overcome the Examiner's Admission that "Park does not disclose an RF transmitter configured to transmit identity information identifying a person associated with the vehicle and the RF receiver configured to receive promotional information targeted for the person based on a purchase history of the person"**

In rejecting claim 29, the examiner admits that Park does not teach or suggest all the limitations of claim 1. Specifically, the examiner admits that "Park does not disclose an RF transmitter configured to transmit identity information identifying a person associated with the vehicle and the RF receiver configured to receive promotional information targeted for the person based on a purchase history of the person." In an attempt to overcome the deficiencies of Park, the examiner relied upon Tracy, asserting in the office action mailed November 29, 2005 at page 8 lines 14-16 that:

Tracy discloses a wireless communications device configured to transmit identity information identifying a person associated with the wireless communications device.

However, Tracy does not disclose identifying a consumer's association with a vehicle, as defined in claim 1. Tracy discloses a method and system for presenting item information using a portable data terminal, but Tracy does not disclose an in-vehicle system. Therefore, Park in view of Tracy does not make obvious "an RF transmitter configured to transmit identity information identifying a person associated with said vehicle," as recited in claim 29. The applicant respectfully submits that the rejection of claim 29 under 35 USC 103(a) is improper and should be reversed.

e. **The Disclosure in Tracy does not Overcome the Examiner's Admission that "Park does not disclose automatically outputting said promotional information to said interior display"**

In rejecting claim 29, the examiner admits that Park does not teach or suggest all the limitations of claim 29. Specifically, the examiner admits that "Park does not disclose automatically outputting said promotional information to said interior display." In an attempt to overcome the deficiencies of Park, the examiner relied upon Tracy, asserting in the office action mailed November 29, 2005 at page 9 lines 4-7 that:

Tracy discloses automatically outputting said promotional information to said interior display (figure 7A, column 10, lines 44-50; column 14, lines 30-35; automatically outputting the promotional information to the display of the portable terminal 70).

However, Tracy does not disclose basing promotional information on an automatically detected position of a vehicle, as defined in claim 29. Tracy discloses a method and system for presenting item information using a portable data terminal, but Tracy does not disclose using position data of a vehicle. Therefore, Park in view of Tracy does not make obvious "an interior display configured to be installed in an interior of said vehicle and connected to said controller wherein said controller causes said promotions information to be automatically displayed on said interior display based on an automatically detected position of said vehicle which indicates that the vehicle is in a predetermined position with respect to the commercial entity," as recited in claim 29. The applicant respectfully submits that the rejection of claim 29 under 35 USC 103(a) is improper and should be reversed.

f. **The Examiner Provides no Proper Motivation or Suggestion to Combine Park and Tracy**

Applicants respectfully submit that the examiner does not provided a proper motivation

or suggestion for one of ordinary skill in the art to have combined Park and Tracy absent impermissible hindsight.

Park is directed to a method limited to “vehicle information systems providing information relevant to current vehicle location.” Park at column 5 lines 9-16. Park teaches that GPS is used to locate current vehicle position. Park at column 4 lines 11-19. One of ordinary skill in the art would have recognized that GPS and similar systems, although useful for tracking geographic position, are completely unsuitable for determining the identity of a particular person using the GPS system. Nothing in a GPS system requires or even remotely suggests transmitting identity information. One of ordinary skill in the art would have recognized that a GPS receiver cannot transmit any information, and in particular not identity information.

Tracy is directed to a “portable data terminal,” but does not disclose anything relating to a vehicle.

The examiner has presented the following motivations for modifying Park in view of Tracy:

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy above for the purpose of accurately targeting selected customers for improved strategic product promotional plans. [Office action mailed November 29, 2005 page 8 lines 20-23.]

* * *

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy for the purpose of more convenient for the user to receive promotional information because the promotional information is automatically display, thus the user does not need to select any button for display promotional information. [Sic; Office action mailed November 29, 2005 page 9 lines 7-11.]

Tracy discloses nothing concerning either “identifying a consumer’s association with a

vehicle” or basing promotional information on the position data of a vehicle. In fact, Tracy does not disclose anything relating to a vehicle. Therefore, there is no motivation to combine Park and Tracy.

Because the examiner has not provided a proper motivation or suggestion for one of ordinary skill in the art to have combined Park and Tracy to obtain the subject matter of claim 29, absent impermissible hindsight, applicants respectfully submit that the rejection of claim 29 under 35 USC 103(a) is improper and should be reversed.

4. Claims 34-40 and 42 Depend From Independent Claim 29

Claims 34-40 and 42 depend directly or indirectly from independent claim 29. Therefore, applicants respectfully submit that for the reasons presented above regarding claim 29, the rejections of claims 34-40 and 42 under 35 USC 103(a) are improper and should be reversed.

a. Dependent Claim 39

i. The Examiner's Assertions

The examiner rejects claim 39 under 35 USC 103(a), asserting in the office action mailed November 29, 2005 at page 10 lines 5-10 that:

Regarding to claim 39, Park further discloses a wireless communications device installed in vehicle and connected to controller (see figure 4). Tracy discloses a store system wirelessly linked with wireless communications device (column 5, line 47 -column 6, line 25, the central host). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's adopt the teaching of Tracy above for the purpose of providing promotional benefits to the user.

ii. The Passage from Tracy Relied Upon by the Examiner

In rejecting claim 39, the examiner relies upon Tracy column 5 line 47 through column 6 line 25 (copied above).

iii. Applicants' Reply

Applicants respectfully submit that the rejection of claim 39 under 35 USC 103(a) is improper and should be reversed because the cited passage in Tracy discloses features pertaining to an in-store portable terminal, but does not disclose features pertaining to a vehicle, specifically: "a wireless communications device installed in said vehicle and connected to said controller," as recited in claim 39. Therefore, the rejection of claim 39 under 35 USC 103(a) is improper and should be reversed.

The examiner has presented the following motivation for modifying Park in view of Tracy:

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's adopt the teaching of Tracy above for the purpose of providing promotional benefits to the user. [Sic; Office action mailed November 29, 2005 page 9 lines 16-19.]

Tracy discloses nothing concerning providing "automatic promotional benefits to said vehicle." In fact, Tracy does not disclose anything relating to a vehicle. Therefore, there is no motivation to combine Park and Tracy.

Because the examiner has not provided a proper motivation or suggestion for one of ordinary skill in the art to have combined Park and Tracy to obtain the subject matter of claim 39, absent impermissible hindsight, applicants respectfully submit that the rejection of claim 39 under 35 USC 103(a) is improper and should be reversed.

b. Dependent Claim 40

i. The Examiner's Assertions

The examiner rejects claim 40 under 35 USC 103(a), asserting in the office action mailed November 29, 2005 at page 9 lines 12-19 that:

Regarding to claims 34, 36, 40, Tracy discloses a host system which

comprises: a second controller; and RF transmitter for transmitting said promotions information to said FRF receiver and a promotions information storage device connected to the second controller; RF transmitter is located in a store and has a transmitting range proximate to store (column 5, line 47 -column 6, line 25, the central host). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's adopt the teaching of Tracy above for the purpose of providing promotional benefits to the user.

ii. The Passage from Tracy Relied Upon by the Examiner

In rejecting claim 40, the examiner relies upon Tracy column 5 line 47 through column 6 line 25 (copied above).

iii. Applicants' Reply

Applicants respectfully submit that the rejection of claim 40 is improper and should be reversed because the cited passage in Tracy discloses features pertaining to an in-store portable terminal, but does not disclose features pertaining to a vehicle, specifically: "a store controller which provides automatic promotional benefits to said vehicle," as recited in claim 40.

Therefore, the rejection of claim 40 under 35 USC 103(a) is improper and should be reversed.

The examiner has presented the following motivation for modifying Park in view of Tracy:

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's adopt the teaching of Tracy above for the purpose of providing promotional benefits to the user. [Sic; Office action mailed November 29, 2005 page 9 lines 16-19.]

Tracy discloses nothing concerning providing "automatic promotional benefits to said vehicle." In fact, Tracy does not disclose anything relating to a vehicle. Therefore, there is no

motivation to combine Park and Tracy.

Because the examiner has not provided a proper motivation or suggestion for one of ordinary skill in the art to have combined Park and Tracy to obtain the subject matter of claim 40, absent impermissible hindsight, applicants respectfully submit that the rejection of claim 40 under 35 USC 103(a) is improper and should be reversed.

5. Independent Claim 43

a. The Examiner's Assertions

The examiner rejects claim 43 under 35 USC 103(a), asserting in the office action mailed November 29, 2005 at page 10 line 17 through page 12 line 4 that:

Regarding to claim 43, Park discloses a method of displaying promotions information in a vehicle, comprising:

storing data corresponding to promotions information in vehicle (column 6, lines 55-65);

monitoring a position of said vehicle in relation to a store with which the promotions information is associated (column 5, lines 33-55); and

displaying data on an interior display after it is automatically detected by said monitoring step that said vehicle comes within a defined proximity to a store with which promotions information is associated (column 5, lines 20-32).

Park does not disclose transmitting identifying information identifying a person associated with said vehicle and promotions information targeted for said person based on a purchase history of said person. However, Tracy discloses a wireless communications device configured to transmit identity information identifying a person associated with the wireless communications device (column 7, lines 18-30, the bar code reader further provided a visual display for displaying either customer's name or some other form of customer identifiable code; figure 7A, the display displaying consumer's name) and to receive promotional information targeted for the person based on a purchase history of the person

(column 14, lines 3-28). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy above for the purpose of accurately targeting selected customers for improved strategic product promotional plans.

Moreover, Park does not disclose automatically displaying said promotional information to said interior display. However, Tracy discloses automatically displaying said promotional information to said interior display (figure 7A, column 10, lines 44-50; column 14, lines 30-35; automatically outputting the promotional information to the display of the portable terminal 70). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy for the purpose of more convenient for the user to receive promotional information because the promotional information is automatically display, thus the user does not need to select any button for display promotional information.

b. The Passages from Park and Tracy Relied Upon by the Examiner

In rejecting claim 43, the examiner relies upon the following passages from Park and Tracy:

A compass 104 provides a vehicle orientation input 106 to microprocessor 60. Device 40 uses the current vehicle position, i.e., as provided by vehicle location 82, and also the current vehicle orientation, as provided by input 106, to calculate a graphic indication, i.e., a display vector orientation, indicating direction of travel for a geographic point of interest 14 relative to the current vehicle position. To portray on display 100 the relative direction, i.e., toward the geographic point of interest, current vehicle orientation is considered. Thus, calculation and display of a vector on display 100 begins with calculation of distance between two points designated by longitude and latitude values, i.e.,

distance between the current vehicle location and the geographic point of interest 14, and calculation of an angle of orientation for a direction of travel. In other words, display 100 has a fixed relationship relative to vehicle 10 and vehicle orientation input 106 supports an accurate display of a direction of travel as presented by vector icon on display 100. Furthermore, the display presented may be updated as vehicle 10 moves and the distance between vehicle 10 and the geographic point of interest 14 changes and also as vehicle orientation changes. [Park at column 5 lines 33-55.]

* * *

Device 40 holds multiple data records, i.e., one for each geographic point of interest 14. Stored information button 102g allows scanning through such stored data records and selective display of the previously stored data record for a geographic point of interest 14. In this manner, the user of device 40 constructs a personal electronic reference tracking travel information including data records for particular geographic points of interest 14, i.e., data records selected by and of interest to a particular user. The user thereby builds a personalized and current database of geographic points of interest 14. [Park at column 6 lines 55-65.]

* * *

A global position system receiver 80 receives the transmission 52 from global position system satellite 50 and delivers to microprocessor 60 a current vehicle location 82. In this manner, microprocessor 60 requests from global position system radio receiver 80 a current vehicle location and receives in return the current vehicle location 82.

Microprocessor 60 receives other vehicle information. For example, a fuel gauge sensor 90 provides a fuel remaining input 92 to microprocessor 60.

Microprocessor 60 drives a display 100. Display 100 presents, for example, tuning and station selection information relative to the voice radio receiver 60 to provide an FM radio capability wherein the operator of vehicle 10 manipulates input controls 102, i.e., volume, station select, and other controls

described more fully hereafter, to listen to a selected voice broadcast 22. Display 100 further presents, as described more fully hereafter, data relevant to stored geographic points of interest 14 and also graphic indication, i.e., a vector indicating distance and direction, of a selected geographic point of interest 14 relative to the current vehicle location. [Park at column 5 lines 10-32.]

In rejecting claim 43, the examiner relies upon Tracy column 7 lines 18-30, column 14 lines 3-28, column 10 lines 44-50, and column 14 lines 30-35, all of which are copied above.

c. Applicants' Reply

Claim 43 recites "...transmitting *identifying information identifying a person associated with said vehicle....*" Emphasis added. For the reasons given above for independent claim 1, applicants respectfully submit that the passages from Park, Stewart, and Tracy cited by the examiner, alone or in combination, do not teach or suggest "identifying information identifying a person associated with said vehicle," as recited in claim 43. Therefore, the passages from Park, Stewart, and Tracy cited by the examiner do not teach or suggest all the limitations of claim 43. Therefore, applicants respectfully submit that the examiner has not made out a proper *prima facie* rejection of independent claim 43. Therefore, applicants respectfully submit that the rejection under 35 USC 103(a) of claim 43 is improper and should be reversed.

d. The Disclosure in Tracy does not Overcome the Examiner's Admission that "Park does not disclose transmitting identifying information identifying a person associated with said vehicle and promotions information targeted for said person based on a purchase history of said person"

In rejecting claim 43, the examiner admits that Park does not teach or suggest all the limitations of claim 43. Specifically, the examiner admits that "Park does not disclose transmitting identifying information identifying a person associated with said vehicle and promotions information targeted for said person based on a purchase history of said person." In

an attempt to overcome the deficiencies of Park, the examiner relied upon Tracy, asserting in the office action mailed November 29, 2005 at page 11 lines 8-14 that:

Tracy discloses a wireless communications device configured to transmit identity information identifying a person associated with the wireless communications device (column 7, lines 18-30, the bar code reader further provided a visual display for displaying either customer's name or some other form of customer identifiable code; figure 7A, the display displaying consumer's name) and to receive promotional information targeted for the person based on a purchase history of the person (column 14, lines 3-28).

However, Tracy does not disclose identifying a consumer's association with a vehicle, as defined in claim 43. Tracy discloses a method and system for presenting item information using a portable data terminal, but Tracy does not disclose an in-vehicle system. Therefore, Park in view of Tracy does not make obvious "transmitting identifying information identifying a person associated with said vehicle," as recited in claim 43. The applicant respectfully submits that the rejection of claim 43 under 35 USC 103(a) is improper and should be reversed.

e. **The Disclosure in Tracy does not Overcome the Examiner's Admission that "Park does not disclose automatically outputting said promotional information to said interior display"**

The applicant submits that for the same reasons presented for claim 1, Park in view of Tracy does not make obvious "automatically displaying said data on an interior display after it is automatically detected by said monitoring step that said vehicle comes within a defined proximity to the store with which said promotions information is associated," as recited in claim 43. The applicant respectfully submits that the rejection of claim 43 under 35 USC 103(a) is improper and should be reversed.

**f. The Examiner Provides no Proper Motivation or Suggestion to
Combine Park and Tracy**

Applicants respectfully submit that the examiner does not provided a proper motivation or suggestion for one of ordinary skill in the art to have combined Park and Tracy absent impermissible hindsight.

Park is directed to a method limited to “vehicle information systems providing information relevant to current vehicle location.” Park at column 5 lines 9-16. Park teaches that GPS is used to locate current vehicle position. Park at column 4 lines 11-19. One of ordinary skill in the art would have recognized that GPS and similar systems, although useful for tracking geographic position, are completely unsuitable for determining the identity of a particular person using the GPS system. Nothing in a GPS system requires or even remotely suggests transmitting identity information. One of ordinary skill in the art would have recognized that a GPS receiver cannot transmit any information, and in particular not identity information.

Tracy is directed to a “portable data terminal”.

The examiner has presented the following motivations for modifying Park in view of Tracy:

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy above for the purpose of accurately targeting selected customers for improved strategic product promotional plans. [Office action mailed November 29, 2005 page 11 lines 14-17.]

* * *

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy for the purpose of more convenient for the user to receive promotional information because the promotional information is automatically display, thus the user does not need to select any button for display promotional information. [Sic; Office action mailed November 29, 2005 page 11 line 22 through page 12

line 4.]

Tracy discloses nothing concerning either “identifying a consumer’s association with a vehicle” or basing promotional information on the position data of a vehicle. In fact, Tracy does not disclose anything relating to a vehicle. Therefore, there is no motivation to combine Park and Tracy.

Because the examiner has not provided a proper motivation or suggestion for one of ordinary skill in the art to have combined Park and Tracy to obtain the subject matter of claim 43, absent impermissible hindsight, applicants respectfully submit that the rejection of claim 1 under 35 USC 103(a) is improper and should be reversed.

6. Claims 44, 45, and 49-57 Depend From Independent Claim 43

Claims 44, 45, and 49-57 depend directly or indirectly from independent claim 43. Therefore, applicants respectfully submit that for the reasons presented above regarding claim 43, the rejections of claims 44, 45, and 49-57 under 35 USC 103(a) are improper and should be reversed.

a. Dependent Claim 53

i. The Examiner's Assertions

The examiner rejects claim 53 under 35 USC 103(a), asserting in the office action mailed November 29, 2005 at page 12 line 21 through page 13 line 4 that:

Regarding to claim 53, Tracy discloses transmitting data from a host system; and receiving data in vehicle (column 5, line 47 -column 6, line 25, the central host). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's adopt the teaching of Stewart above for the purpose of providing promotional benefits to the user.

ii. **The Passage from Tracy Relied Upon by the Examiner**

In rejecting claim 53, the examiner relies upon Tracy column 5 line 47 through column 6 line 25 (copied above).

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 53 under 35 USC 103(a) is improper and should be reversed because the cited passage in Tracy discloses features pertaining to an in-store portable terminal, but does not disclose features pertaining to a vehicle, specifically: "receiving said data in said vehicle," as recited in claim 53. Therefore, the rejection of claim 53 under 35 USC 103(a) is improper and should be reversed.

The examiner has presented the following motivation for modifying Park in view of Tracy:

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's adopt the teaching of Tracy above for the purpose of providing promotional benefits to the user. [Sic; Office action mailed November 29, 2005 page 12 line 23 through page 13 line 4.]

Tracy discloses nothing concerning transmitting data that is received in a vehicle. In fact, Tracy does not disclose anything relating to a vehicle. Therefore, there is no motivation to combine Park and Tracy.

Because the examiner has not provided a proper motivation or suggestion for one of ordinary skill in the art to have combined Park and Tracy to obtain the subject matter of claim 53, absent impermissible hindsight, applicants respectfully submit that the rejection of claim 53 under 35 USC 103(a) is improper and should be reversed.

7. **Independent Claim 59**

Applicants respectfully submit that the examiner does not specify reasons for rejecting claim 59 in the Office action mailed November 29, 2005.

Claim 59 recites “... storing data corresponding to said promotions information in said vehicle; associating said promotions information with a store; and displaying said data based upon user request for information concerning said store”. Applicants respectfully submit that Park, Stewart, and Tracy, alone or in combination, do not teach or suggest all the limitations of claim 59. Therefore, applicants respectfully submit that the examiner has not made out a proper *prima facie* rejection of independent claim 59. Therefore, applicants respectfully submit that the rejection under 35 USC 103(a) of claim 59 is improper and should be reversed.

8. Independent Claim 60

a. The Examiner's Assertions

The examiner rejects claim 60 under 35 USC 103(a), asserting in the office action mailed November 29, 2005 at page 13 line 17 through page 15 line 2 that:

Regarding to claim 60, Park discloses a method of distributing promotions information, comprising:

forming a database of promotions information of at least one store (column 6, lines 55-65);

wirelessly distributing data corresponding to promotions information to a vehicle (column 4, lines 20-34);

monitoring a position of said vehicle in relation to a store (column 5, lines 33-55);

displaying on interior display data to occupant of vehicle after it is automatically detected by said monitoring step that said vehicle comes within a defined range of store (column 6, lines 4-15).

Park does not disclose communicating to said store identifying information identifying a person associated with said vehicles and promotional information targeted for the person based on a purchase history of the person. However, Tracy discloses a wireless communications device configured to transmit identity information identifying a person associated with the wireless

communications device (column 7, lines 18-30, the bar code reader further provided a visual display for displaying either customer's name or some other form of customer identifiable code; figure 7A, the display displaying consumer's name) and to receive promotional information targeted for the person based on a purchase history of the person (column 14, lines 3-28). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy for the purpose of accurately targeting selected customers for improved strategic product promotional plans.

Moreover, Park does not disclose automatically displaying said promotional information to said interior display. However, Tracy discloses automatically displaying said promotional information to said interior display (figure 7A, column 10, lines 44-50; column 14, lines 30-35; automatically outputting the promotional information to the display of the portable terminal 70). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy for the purpose of more convenient for the user to receive promotional information because the promotional information is automatically display, thus the user does not need to select any button for display promotional information.

b. The Passages from Park and Tracy Relied Upon by the Examiner

In rejecting claim 60 the examiner relies upon passages from Park and Tracy as copied above for claims 1 and 43. The examiner also relies upon the following passage from Park:

Thus, travel information device 40 receives several channels of information. First, voice broadcast 22 provided by radio broadcast system 20 provides to the vehicle operator a stream of voice information potentially including reference to geographic points of interest 14, i.e., advertisers located within road network 12. Second, data broadcast 26, as provided in association

with voice broadcast 22, provides further detailed text message information captured selectively by device 40, e.g., when commanded by the operator of vehicle 10. This establishes, among other detailed information, a precise location for a geographic point of interest 14. Third, the global position system transmission 52 provides a current vehicle location and, therefore, a basis for presenting location of geographic points of interest 14 relative to current vehicle position. [Park at column 4 lines 20-34.]

c. **Applicants' Reply**

Claim 60 recites "...communicating to said store *identifying information identifying a person....*" Emphasis added. For the reasons given above for independent claim 1, applicants respectfully submit that the passages from Park and Tracy cited by the examiner, alone or in combination, do not teach or suggest either "identifying information identifying a person associated with said vehicles," or "automatically displaying on an interior display said data to occupants of said vehicle," as recited in claim 60. Therefore, the passages from Park and Tracy cited by the examiner do not teach or suggest all the limitations of claim 60. Therefore, applicants respectfully submit that the examiner has not made out a proper *prima facie* rejection of independent claim 60. Therefore, applicants respectfully submit that the rejection under 35 USC 103(a) of claim 60 is improper and should be reversed.

d. **The Disclosure in Tracy does not Overcome the Examiner's Admission that "Park does not disclose communicating to said store identifying information identifying a person associated with said vehicles and promotional information targeted for the person based on a purchase history of the person"**

In rejecting claim 60, the examiner admits that Park does not teach or suggest all the limitations of claim 60. Specifically, the examiner admits that "Park does not disclose communicating to said store identifying information identifying a person associated with said vehicles and promotional information targeted for the person based on a purchase history of the

person.” In an attempt to overcome the deficiencies of Park, the examiner relied upon Tracy, asserting in the office action mailed November 29, 2005 at page 14 lines 8-10 that:

Tracy discloses a wireless communications device configured to transmit identity information identifying a person associated with the wireless communications device.

However, Tracy does not disclose identifying a consumer’s association with a vehicle, as defined in claim 60. Tracy discloses a method and system for presenting item information using a portable data terminal, but Tracy does not disclose an in-vehicle system. Therefore, Park in view of Tracy does not make obvious “communicating to said store identifying information identifying a **person associated with said vehicles**,” as recited in claim 60 with emphasis supplied. The applicant respectfully submits that the rejection of claim 60 under 35 USC 103(a) is improper and should be reversed.

e. **The Disclosure in Tracy does not Overcome the Examiner’s Admission that “Park does not disclose automatically outputting said promotional information to said interior display”**

In rejecting claim 60, the examiner admits that Park does not teach or suggest all the limitations of claim 60. Specifically, the examiner admits that “Park does not disclose automatically outputting said promotional information to said interior display.” In an attempt to overcome the deficiencies of Park, the examiner relied upon Tracy, asserting in the office action mailed November 29, 2005 at page 14 lines 18-22 that:

Tracy discloses automatically outputting said promotional information to said interior display (figure 7A, column 10, lines 44-50; column 14, lines 30-35; automatically outputting the promotional information to the display of the portable terminal 70).

However, Tracy does not disclose basing promotional information on the position data of a vehicle, as defined in claim 60. Tracy discloses a method and system for presenting item information using a portable data terminal, but Tracy does not disclose using position data of a vehicle. Therefore, Park in view of Tracy does not make obvious “automatically displaying on an interior display said data to occupants of **said vehicle after it is automatically detected by said monitoring step that said vehicle comes within a defined range of said store,**” as recited in claim 60 with emphasis supplied. The applicant respectfully submits that the rejection of claim 60 under 35 USC 103(a) is improper and should be reversed.

f. **The Examiner Provides no Proper Motivation or Suggestion to
Combine Park and Tracy**

Applicants respectfully submit that the examiner does not provided a proper motivation or suggestion for one of ordinary skill in the art to have combined Park and Tracy absent impermissible hindsight.

Park is directed to a method limited to “vehicle information systems providing information relevant to current vehicle location.” Park at column 5 lines 9-16. Park teaches that GPS is used to locate current vehicle position. Park at column 4 lines 11-19. One of ordinary skill in the art would have recognized that GPS and similar systems, although useful for tracking geographic position, are completely unsuitable for determining the identity of a particular person using the GPS system. Nothing in a GPS system requires or even remotely suggests transmitting identity information. One of ordinary skill in the art would have recognized that a GPS receiver cannot transmit any information, and in particular not identity information.

Tracy is directed to a “portable data terminal,” but does not disclose anything relating to a vehicle.

The examiner has presented the following motivations for modifying Park in view of Tracy:

Therefore, it would have been obvious to one with ordinary skill in the art

at the time the invention was made to modify Park's to adopt the teaching of Tracy above for the purpose of accurately targeting selected customers for improved strategic product promotional plans. [Office action mailed November 29, 2005 page 14 lines 14-17.]

* * *

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy for the purpose of more convenient for the user to receive promotional information because the promotional information is automatically display, thus the user does not need to select any button for display promotional information. [Sic; Office action mailed November 29, 2005 page 14 line 22 through page 15 line 4.]

Tracy discloses nothing concerning either “identifying a consumer’s association with a vehicle” or basing promotional information on the position data of a vehicle. In fact, Tracy does not disclose anything relating to a vehicle. Therefore, there is no motivation to combine Park and Tracy.

Because the examiner has not provided a proper motivation or suggestion for one of ordinary skill in the art to have combined Park and Tracy to obtain the subject matter of claim 60, absent impermissible hindsight, applicants respectfully submit that the rejection of claim 60 under 35 USC 103(a) is improper and should be reversed.

9. Claim 61 Depends From Independent Claim 60

Claim 61 depends directly or indirectly from independent claim 60. Therefore, applicants respectfully submit that for the reasons presented above regarding claim 60, the rejection of claim 61 under 35 USC 103(a) is improper and should be reversed.

10. **Claims 2, 8, 15, 16, 30-33, 46-48, 62, and 63 Depend From Independent Claims**

Claims 2, 8, 15, 16 depend directly or indirectly from independent claim 1. Claims 30-33 depend directly or indirectly from independent claim 29. Claims 46-48 depend directly or indirectly from independent claim 43. Claims 62 and 63 depend directly or indirectly from independent claim 60.

Therefore, applicants respectfully submit that for the reasons presented above regarding claims 1, 29, 43, and 60, respectively, the rejections of claims 2, 8, 15, 16, 30-33, 46-48, 62, and 63 under 35 USC 103(a) are improper and should be reversed.

That is, the examiner does not allege that USP 5,867,780 to Malackowski overcomes the deficiencies in the rejections noted above based upon Park, Stewart, and Tracy.

H. **37 CFR 41.37 (c)(1)(viii) Claims Appendix**

An appendix containing a copy of the claims involved in the appeal is attached as Appendix I.

I. **37 CFR 41.37 (c)(1)(ix) Evidence Appendix**

There is no evidence submitted pursuant to 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the examiner and relied upon by appellant in the appeal.

J. **37 CFR 41.37 (c)(1)(x) Related Proceedings Appendix**

There are no related proceedings. Therefore, this section is inapplicable.

IV. **37 CFR 47.37 (c)(2)**

This brief does not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence.

V. **37 CFR 41.37 (d)**

This brief is in compliance with the requirements of paragraph (c) of this section.

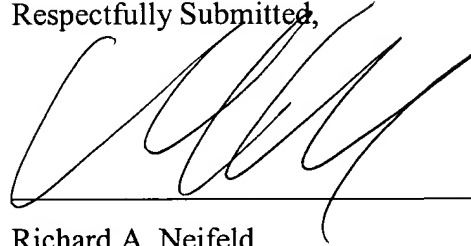
Accordingly, this section is inapplicable.

VI. **37 CFR 41.37 (e)**

The applicants have herewith filed for a one-month extension of time.

3/29/06
DATE

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'R. Neifeld', written over a horizontal line.

Richard A. Neifeld

Registration No. 35,299

Attorney of Record

BTM

Printed: March 29, 2006 (4:40pm)

Y:\Clients\Catalina\PIP-15-GRAN\PIP-15-GRANUSCP\Drafts\AppealBrief_060329.wpd

APPENDIX 1

1. An in-vehicle promotions system installed in a vehicle, comprising:
 - a position receiver configured to provide automatically detected position data for said vehicle thereby monitoring a position of said vehicle in relation to a commercial entity;
 - a controller connected to said receiver;
 - a wireless communications device connected to said controller and configured to transmit identity information identifying a person associated with said vehicle and to receive promotional information targeted for said person based on a purchase history of said person;and
 - an interior display configured to be installed in an interior of said vehicle and connected to said controller,
 - wherein said controller automatically outputs said promotional information to said interior display based on said position data indicating that said vehicle is in a predetermined position in relation to said commercial entity.
2. A system as recited in claim 1, comprising a printer connected to said controller.
3. A system as recited in claim 1, wherein said receiver comprises one of a GPS receiver and a Loran receiver.
4. A system as recited in claim 1, wherein said wireless communications device comprises one of a radio modem, a cellular modem and paging transceiver.
5. A system as recited in claim 1, comprising:
 - a memory connected to said controller having a lookup table linking a position of said vehicle with a storage location of promotions information.
6. A system as recited in claim 5, comprising:

means for updating said memory.

7. A system as recited in claim 5, wherein:

said memory comprises a promotions information storage area.

8. A system as recited in claim 1, wherein:

said display comprises touch command areas for controlling display and printing of promotions information displayed on said display.

9. (Canceled)

10. A system as recited in claim 1, comprising:

means for storing information linking a zone with promotions information; and

said controller retrieving said promotions information associated with said zone based upon said vehicle entering said zone.

11. A system as recited in claim 10, comprising:

means for storing information linking a zone proximate to a store with promotions information associated with said store.

12. A system as recited in claim 10, comprising:

said controller displaying said promotions information associated with said zone only after said vehicle enters said zone.

13. A system as recited in claim 1, comprising:

means for storing information linking promotions information with a business entity;

and

said controller retrieving said promotions information associated with said business entity based upon a user request for information related to said business entity.

14. A system as recited in claim 1, comprising:
means for storing information linking a zone with promotions information; and
said controller retrieving said promotions information associated with said zone based upon a user request for information related to said business entity.

15. A system as recited in claim 1, wherein
said promotions information including coupon information.

16. A system as recited in claim 15, wherein said display includes means for activating printing of a coupon information using said printer.

17. A system as recited in claim 1, wherein said controller comprises means for logging activity related to display of said promotions information.

18. A system as recited in claim 1, further comprising a store system wirelessly linked with said wireless communications device, said store system comprising:
a second wireless communications device;
a store controller connected to said second wireless communications device; and
said store controller providing automatic promotional benefits to said vehicle.

19. (Canceled)

20. A system as recited in claim 18, wherein said controller is further adapted to communicate to said store controller an indication of promotion displayed on said display.

21. A system as recited in claim 1, further comprising a host system wirelessly linked with said wireless communications device, said host system comprising:
a second controller;
a second wireless communications device connected to said second controller; and

a promotions information storage device connected to said second controller.

22. A system as recited in claim 21, wherein:
said receiver is adapted to output a position of said vehicle to said controller;
said controller comprises means for retrieving promotions information from said host system based upon said position.

23. A system as recited in claim 21, comprising:
a memory connected to said controller storing information linking position and a storage location of corresponding promotions information;
said controller comprises means for automatically retrieving from said host system updated information linking said position and said location of corresponding promotions information.

24. A system as recited in claim 21, further comprising a store controller in communication with said second controller and wherein said store controller provides automatic promotional benefits to said vehicle.

25. (Canceled)

26. A system as recited in claim 24, wherein said controller further communicates to said store controller an indication of promotion displayed on said display.

27. A system as recited in claim 1, comprising:
means for storing at least one of position data corresponding to a position of a store with which promotions data is associated and identification data identifying said store;
said display including means for displaying said data based upon at least one said position data and said identification data.

28. A system as recited in claim 27, comprising:
means for retrieving said promotions data based upon at least one of said position data and said identification data.

29. An in-vehicle promotions system installed in a vehicle, comprising:
an RF transmitter configured to transmit identity information identifying a person associated with said vehicle;
an RF receiver configured to receive transmitted promotions information targeted for said person based on a purchase history of said person;
a controller connected to said receiver;
a device configured to monitor a position of said vehicle in relation to a commercial entity; and
an interior display configured to be installed in an interior of said vehicle and connected to said controller wherein said controller causes said promotions information to be automatically displayed on said interior display based on an automatically detected position of said vehicle which indicates that the vehicle is in a predetermined position with respect to the commercial entity.

30. A system as recited in claim 29, comprising a printer connected to said controller.

31. A system as recited in claim 29, wherein:
said display comprises touch command areas for controlling display and printing of said promotions information displayed on said display.

32. A system as recited in claim 29, wherein:
said display displays said promotions information including coupon information;

33. A system as recited in claim 32, wherein said display includes means for activating printing of said coupon information using said printer.

34. A system as recited in claim 29, further comprising a host system which comprises:
a second controller;
an RF transmitter for transmitting said promotions information to said RF receiver;
and
a promotions information storage device connected to said second controller.

35. A system as recited in claim 34, comprising:
means for updating said storage device.

36. A system as recited in claim 29, wherein:
said RF transmitter is located in a store;
said RF transmitter has a transmitting range proximate to said store.

37. A system as recited in claim 36, comprising:
said RF receiver receiving said promotions information upon said vehicle position being
within said range.

38. A system as recited in claim 29, wherein:
said promotions information is displayed in response to information provided by a user
request.

39. A system as recited in claim 29, further comprising;
a wireless communications device installed in said vehicle and connected to said
controller;
a store system wirelessly linked with said wireless communications device.

40. A system as recited in claim 39, wherein said store
system comprises:
a second wireless controller; and

a store controller which provides automatic promotional benefits to said vehicle.

41. (Canceled)

42. A system as recited in claim 40, wherein said controller further communicates to said store controller an indication of promotion displayed on said display.

43. A method of displaying promotions information to a vehicle occupant, comprising:

transmitting identifying information identifying a person associated with said vehicle;
storing data corresponding to promotions information targeted for said person based on a purchase history of said person in said vehicle;

monitoring a position of said vehicle in relation to a store with which the promotions information is associated; and

automatically displaying said data on an interior display after it is automatically detected by said monitoring step that said vehicle comes within a defined proximity to the store with which said promotions information is associated.

44. A method as recited in claim 43, comprising:
updating said data.

45. A method as recited in claim 43, comprising:
storing data linking a position of said vehicle with said promotions information;
monitoring said position of said vehicle; and
displaying said data corresponding to said promotions information using said data linking said position and said promotions information after said position of said vehicle is within said defined proximity to said store.

46. A method as recited in claim 43, comprising:

printing said data in said vehicle.

47. A method as recited in claim 43, comprising:
said data including coupon information.

48. A method as recited in claim 43, further comprising printing said coupon information
in said vehicle.

49. A method as recited in claim 43, comprising:
defining a zone proximate to said store;
determining a position of said vehicle;
comparing said position with said zone; and
determining whether to display said data based upon said comparison.

50. A method as recited in claim 43, comprising:
monitoring a position of said vehicle using one of a GPS system and a Loran system.

51. A method as recited in claim 43, comprising:
transmitting said data from store, and
receiving said data in said vehicle.

52. A method as recited in claim 43, comprising:
providing to said person an automatic promotional benefit corresponding to said data.

53. A method as recited in claim 43, comprising:
transmitting said data from a host system; and
receiving said data in said vehicle.

54. A method as recited in claim 53, comprising:

using said data stored in said vehicle for a predetermined period of time; and
updating said data with updated data transmitted from said host.

55. A method as recited in claim 54, comprising:
automatically updating said data with said updated data.

56. A method as recited in claim 43, comprising:
storing at least one of position data relating to a position of said store and identification
data identifying said store;
displaying said data corresponding to said promotions information based upon at least
one of said position data and said identification data.

57. A method as recited in claim 56, comprising:
retrieving said data corresponding to said promotions information based upon at least one
of said position data and said identification data.

58. (Canceled)

59. A method of displaying promotions information in a vehicle,
comprising:
storing data corresponding to said promotions information in said vehicle;
associating said promotions information with a store; and
displaying said data based upon user request for information concerning said store.

60. A method of distributing promotions information,
comprising:
forming a database of promotions information of at least one store;
communicating to said store identifying information identifying a person associated with
said vehicles;

wirelessly distributing data corresponding to promotions information, targeted for said person based on a purchase history of said person, to a vehicle;
monitoring a position of said vehicle in relation to a store; and
automatically displaying on an interior display said data to occupants of said vehicle after it is automatically detected by said monitoring step that said vehicle comes within a defined range of said store.

61. A method as recited in claim 60, comprising:
displaying said data only after said vehicle comes within a defined range of said store.

62. A method as recited in claim 60, comprising:
printing said data corresponding to said promotions information.

63. A method as recited in claim 62, wherein said data comprises coupon data.

64. (Canceled)

65. An in-vehicle promotions system installed in a vehicle, comprising:
a position receiver configured to monitor a position of said vehicle in relation to a commercial entity having a predetermined proximity zone assigned thereto;
a wireless communications device configured to receive promotional information from said commercial entity; and
a controller coupled to said position receiver and said wireless communications device and configured to process said promotional information for display when said controller determines that said vehicle is within the predetermined proximity zone assigned to said commercial entity; and
an interior display configured to be installed in an interior of said vehicle and connected to said controller, said interior display configured to display said promotional information data.

66. The system of Claim 65, wherein:
said position receiver comprises a first receiver dedicated to monitoring a position of said vehicle, and
said wireless communications device comprises a second receiver dedicated to receiving said promotional information from the commercial entity.

67. The system of Claim 66, wherein said first receiver comprises at least one of a GPS or a LORAN receiver.

68. The system of Claim 66, wherein said second receiver comprises an RF receiver.

69. The system of Claim 66, further comprising a memory storing a lookup table of data identifying the commercial entity in association with data defining said predetermined proximity zone, wherein said controller is configured to:
monitor said first receiver to determine a position of said vehicle, and
compare said position of said vehicle to said lookup table to determine that said vehicle is within the predetermined proximity zone assigned to said commercial entity.

70. The system of Claim 65, wherein said position receiver and said wireless communications device comprise a single receiver configured to receive said promotions through a wireless signal from said commercial entity, said wireless signal having a limited transmission range corresponding to said predetermined proximity zone assigned to said commercial entity.

71. The system of Claim 69, wherein said single receiver comprises an RF receiver.

72. The system of Claim 70, wherein said controller determines that said vehicle is within the predetermined proximity zone assigned to said commercial entity by monitoring said single receiver to determine if said wireless signal having a limited range has been received by said single receiver.

73. The system of Claim 65, wherein
said predetermined proximity zone assigned to a commercial entity comprises a zone
corresponding to a parking lot of the commercial entity, and
said controller is configured to process said promotional information for display when
said controller determines that said vehicle is within the parking lot.

APPENDIX 2

This section is not applicable in this appeal. There is no evidence under 37 CFR 41.37 (c)(1)(ix).

APPENDIX 3

This section is not applicable in this appeal. There are no related proceedings.

BTM

Printed: March 29, 2006 (4:40pm)

Y:\Clients\Catalina\PIP-15-GRAN\PIP-15-GRANUSCP\Drafts\AppealBrief_060329.wpd